

UNITED STATES DISTRICT COURT
for the

Western District of North Carolina

United States of America)
v.)
WALTER LEE VINSON) Case No: 3:01CR4-01
Date of Previous Judgment: January 30, 2002) USM No: 16518-058
(Use Date of Last Amended Judgment if Applicable)) Aaron Michel
Defendant's Attorney)

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 35 Amended Offense Level: 33
Criminal History Category: III Criminal History Category: III
Previous Guideline Range: 240 to 262 months Amended Guideline Range: 240 to 240 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

The reduced sentence is within the amended guideline range.
 The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
 Other (explain): No reduction is authorized because Defendant's Rule 35 sentence was "based on" a departure from the mandatory minimum sentence of 240 months and not on a sentencing range lowered by Amendment 706. See United States v. Hood, 556 F.3d 226 (4th Cir. 2009).

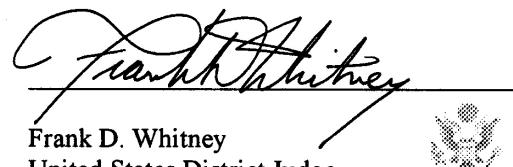
III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated January 30, 2002 shall remain in effect.

IT IS SO ORDERED.

Order Date: April 16, 2009

Effective Date: _____
(if different from order date)


Frank D. Whitney
United States District Judge